#### CITY OF LANCASTER WORK SESSION TUESDAY, DECEMBER 13, 2022



#### CITY OF LANCASTER WORK SESSION TUESDAY, DECEMBER 13, 2022 7:00 P.M.

I. 1	Invocation &	Pledge of	Allegiance –	Mayor	DeVenny
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- II. Roll Call
- III. Citizen Comments\*
- IV. Employee Comments
- V. Approval of Minutes

A. Regular Meeting - November 22, 2022

Pg. 1

- VI. Discussion and Action Items
  - A. Affirming the 2023 City Council Meetings Schedule (Rabon)

Pg. 5

Pg. 7

- B. Adopting the 2023 Planning Commission & Board of Zoning Appeals Meeting Schedule (Hutfles)
- VII. Ordinance
  - A. O22-23 (Second Reading) An Ordinance Annexing Into the City of Lancaster,
     South Carolina One Parcel of Land Totaling 0.16 Acres Located at 1114 Skipper
     Avenue and Owned by John Gay (Hutfles)

    Pg. 9
  - B. O22-24 (First Reading) An Ordinance Annexing Into the City of Lancaster, South
     Carolina One Parcel of Land Totaling 71.956 Acres Located in the General Vicinity
     Of 2100 Charlotte Highway and Owned by Homes of Lancaster, LLC (Hutfles) Pg. 17
- VIII. Executive Session-Attorney Client Privilege (§30-4-70(a)(2) & Personnel Matter (§30-4-70(a)(1))
  - A. To receive legal advice on the South Carolina Ethic Commission Informal Opinion
  - B. City Administrator's Performance Review

N.B.: Upon returning to open session, Council may take action on matters discussed in executive session.

IX. Adjournment

\*Persons desiring to speak should notify the City Clerk prior to the beginning of the meeting. Please begin by stating your name and address. You will have up to 3 minutes to address Council. The entire Citizen Comments portion of the agenda shall not extend longer than thirty (30) minutes. All statements should be addressed to Council as a body and not to individual Council Members. Please be advised that this is not a period of dialogue with Council or a question and answer period.



#### CITY OF LANCASTER REGULAR MEETING TUESDAY, NOVEMBER 22, 2022

A meeting of the Lancaster City Council was held in the City Hall Council Chambers on Tuesday, November 22, 2022, at 7:00 p.m.

Mayor T. Alston DeVenny called the meeting to order. A notice of the meeting was posted at City Hall and placed on the City's website. The local news media was contacted of the meeting time and place. The meeting was open to the public with social spacing being recommended. The meeting was also streamed live on the City's YouTube channel.

#### I. Invocation & Pledge of Allegiance

Council Member Marsh offered the Invocation and led the Pledge of Allegiance.

#### II. Roll Call

**Present:** Mayor Alston DeVenny, Council Member Harris, Council Member Hood, Council Member Jones, Council Member Sowell, and Council Member Taylor

Others Present: City Administrator Flip Hutfles, City Attorney Mitch Norrell, City Clerk Tracy Rabon, Director of Building and Zoning Louis Streater, Court Finance Director Kirk Medlin, Fire Chief Justin McLellan, Police Chief Don Roper, Public Utilities Director Donnie Ledford, Public Works Director Rendell Mingo, Sanitation & Maintenance Operations Director Matt Berry, Human Resources Director Angela Roberson, and IT Director Melissa Izzard

#### III. Citizen Comments

Tamecca Neely addressed Council regarding the Council managing the growth within the City.

#### IV. Employee Comments

Human Resource Director Angela Roberson introduced Greg Summers as an Equipment Operator I with the Sanitation & Maintenance Operations Department.

#### V. Approval of Minutes

A. Work Session - November 8, 2022

**Motion:** To approve the minutes for the Work Session on November 8, 2022 **Moved by** Council Member Taylor, **Seconded by** Council Member Jones

Vote: Motion carried by unanimous roll call vote

Action: Approved

#### VI. Monthly Reports for October 2022

Council Member Harris asked Public Works Director Rendell Mingo about the two fire hydrants that are reported as non-operational and asked for the location of the hydrants. Mr. Mingo stated that one hydrant is on Hawthorn Road and the other is on the corner of South Main Street and Arch Street. Mr. Mingo stated that the hydrant on Hawthorne Road will be repaired soon, but the hydrant on Main Street will need to be scheduled with area businesses as it requires road closure for repair.

Mayor DeVenny asked Sanitation & Maintenance Operations Director Matt Berry for an update on the City resident leaf pick up. Mr. Berry stated that the Department is struggling to maintain the request with lack of available staff. Mr. Berry stated that the City has three leaf trucks, however, one of the trucks is currently inoperable. Mr. Berry also noted that with limited staff, the priority is trash pickup. Mr. Berry stated that he is having staff take on additional hours to keep up with the demand. Mayor DeVenny asked if it would be feasible to rent a leaf removal truck to keep the leaves in control. Mr. Berry stated that with the additional cost above the rental fee, the rental of these trucks becomes impractical. Council Member Harris asked that the City continue to use Social Media to make the citizens aware of the delay.

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Council Member Taylor asked about the house being constructed on Cunningham Street. Building and Zoning Director Louis Streater stated this home is still under construction and noted that the extended construction time is due to the owner constructing the house himself.

Council Member Harris thanked Human Resource Director Ms. Roberson for including the additional information regarding individualized longevity and explanations for separation of employment.

Council had no further questions or concerns regarding the Monthly Reports for October 2022. The complete report is available for review in the City Clerk's office.

#### VII. October Cash Management and Finance Report

Finance Director Kirk Medlin presented the October 2022 Cash Management and Finance Report. Mr. Medlin reported that all totals are tracking as normal.

Mayor DeVenny asked if the newly purchased shredder is in operation. Mr. Berry stated there is a learning curve they are currently working on with the manufacturer regarding appropriate settings.

Council had no additional questions.

#### VIII. Discussion and Action Items

A. Awarding the CDBG Master Water Valve Vault Replacement Project Bid to Basinger Contracting Company in the amount \$957,700

Public Works Director Rendell Mingo presented Council with the recommendation from staff and the engineering firm, W.K. Dickson to award the CDBG Water Meter Valve Vault Upgrade Project to Basinger Contracting Company. Mr. Mingo reported that the City received two bids for this project. Basinger Contracting Company was the low bidder with a bid of \$957,700. State Utility Contractors was the other bidder at a bid of \$1,403,350.

Mr. Mingo reported that the original projected construction cost was \$379,040 with the City's total match being \$85,000. Due to inflation and the unexpected increase in construction cost, and that since water meter valve vault projects are infrequent, there were no recent construction cost for comparison. Due to these increases, CDBG awarded the City's request for full grant funding of \$750,000.

The revised total project cost is \$1,092,700. The City's match is \$342,700. The funding for this project will come from the gross revenue's replacement fund.

Mr. Hutfles stated the project is scheduled to start the first of the year and should be completed by summer 2023.

**Motion:** To award the CDBG Master Water Meter Valve Vault Replacement Project bid to Basinger Contracting Company in the amount of \$957,700

Moved by Council Member Harris, Seconded by Council Member Jones

Vote: Motion carried by unanimous roll call vote

Action: Approved

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B. Closing of City Hall on December 8, 2022, from 11:30 a.m. to 1:30 p.m. for the City Hall Christmas Luncheon

City Clerk Tracy Rabon presented Council with a request to close City Hall for two hours on December 8, 2022, for an employee luncheon. Ms. Rabon noted that this luncheon is being funded by employees with no cost to the City. Council Member Harris asked that citizens be notified. Ms. Rabon stated a notification will be placed on both public doors at City Hall and placed the City's social media pages.

 $\textbf{Motion:} \ \textbf{To allow the closing of City Hall on Thursday, December 8, 2022, from 11:30 a.m.}$ 

to 1:30 p.m. for the City Hall Christmas Luncheon

Moved by Council Member Jones, Seconded by Council Member Taylor

Vote: Motion carried by unanimous roll call vote

Action: Approved

#### IX. Ordinance

A. O22-23 (First Reading) An Ordinance Annexing into the City of Lancaster, South Carolina One Parcel of Land Totaling 0.16 Acres Located at 1114 Skipper Avenue and Owned by John Gay

Director of Building and Zoning Louis Streater presented Council with O22-23 requesting 1114 Skipper Avenue owned by John Gay be annexed into the City. Utility service to the property was discontinued on April 29, 2022. Mr. Gay has new tenants and wishes to reestablish water and sewer service. With service being disconnected more than six consecutive months, Mr. Gay is required by City Code to submit a petition for annexation to have services reconnected.

Council Member Harris asked that staff explore reviewing the outside customers water rates.

**Motion:** To approve the first reading of O22-2 an Ordinance annexing into the City of Lancaster, South Carolina one parcel of land totaling 0.16 acres located at 1114 Skipper Avenue and owned by John Gay

Moved by Council Member Taylor, Seconded by Council Member Jones

Vote: Motion carried by unanimous roll call vote

Action: Approved

#### X. Executive Session-Contractual Negotiations & Attorney Client Privilege (§30-4-70(a)(2))

A. To discuss the proposed purchase of property

Motion: To enter Executive Session

Moved by Council Member Taylor, Seconded by Council Member Sowell

Vote: Motion carried by unanimous roll call vote

**Action:** Approved

Council returned from Executive Session where no votes were taken.

Motion: To return to open session

Moved by Council Member Harris, Seconded by Council Member Jones

Vote: Motion carried by unanimous roll call vote

Action: Approved

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Motion: To authorize the City Administrator to make a written offer to purchase certain

real property for the use by the City as discussed in Executive Session Moved by Council Member Jones, Seconded by Council Member Harris

Vote: Motion carried by unanimous roll call vote

Action: Approved

#### XI. Adjournment

Motion: To adjourn

Moved by Council Member Taylor, Seconded by Council Member Jones

Vote: Motion carried by unanimous roll call vote

Action: Adjourned

There being no further business, Council adjourned at 8:23 p.m.

Respectfully submitted,

Tracy Rabon
City Clerk

#### Agenda Item VI.A

#### City of Lancaster City Council Meeting December 13, 2022

TO:

City Council

SUBJECT:

2023 City Council Meeting Schedule

INITIATED BY: PREPARED BY:

City Clerk City Clerk

<u>Background:</u> §30-4-80 of the State Code of Laws state in part that all public bodies must give written notice of their regular meetings at the beginning of each calendar year. The Council is obligated under the City Code to meet twice a month unless a majority vote of Council Members present at any regular or special meeting decide otherwise. Historically, the City Council does not meet on the fourth Tuesday of December.

<u>Financial</u>: There is a cost of approximately \$225 to publish the meeting schedule in *The Lancaster News*.

<u>Policy Considerations</u>: Section 2.43 and section 2.44 of the City Code states in part the Council shall have a regular work sessions and meetings; the second Tuesday of each month for work session and the fourth Tuesday of each month for regular meeting.

**Recommendations/Actions:** Affirm the stated City Council meeting schedule.

Attachments: 2023 meeting schedule.



## 2023 City Council Meeting Schedule

Work Session – January 10, 2023

Work Session - February 14, 2023

Work Session – March 14, 2023

Work Session - April 11, 2023

Work Session - May 9, 2023

Work Session – June 13, 2023

Work Session – July 11, 2023

Work Session – August 8, 2023

Work Session – September 12, 2023

Work Session – October 10, 2023

Work Session – November 14, 2023

Work Session – December 12, 2023

Regular Meeting – January 24, 2023

Regular Meeting – February 28, 2023

Regular Meeting – March 28, 2023

Regular Meeting – April 25, 2023

Regular Meeting – May 23, 2023

Regular Meeting – June 27, 2023

Regular Meeting – July 25, 2023

Regular Meeting – August 22, 2023

Regular Meeting – September 26, 2023

Regular Meeting – October 24, 2023

Regular Meeting – November 28, 2023

City Council City of Lancaster

\*\*\*Note: All meetings start @ 7:00 PM\*\*\*

#### Agenda Item VI.B

#### City of Lancaster City Council Meeting December 13, 2022

TO:

City Council

SUBJECT:

2023 Planning Commission & BZA Meeting Schedule

INITIATED BY:

Building & Zoning Director

PREPARED BY:

City Administrator

**Background:** The Planning Commission meets on the first Tuesday of the month at 6:30 p.m. in the Council Chambers, and the Board of Zoning Appeals meet the third Monday of the month at 5:30 p.m. in the Council Chambers.

<u>Financial:</u> There will be a cost of approximately \$225 in publishing both schedules in *The Lancaster News*.

<u>Policy Considerations:</u> Section 19.8 and section 31.152.2.a of the City Code states in part that an annual schedule of regular meeting for the Planning Commission and the Board of Zoning Appeals shall be adopted and made available at City Hall.

**Recommendations/Actions:** Adopt the stated City's Planning Commission and Board of Zoning Appeal annual meeting schedules.

Attachments: 2023 meeting schedules.



# 2023 Planning Commission & Board of Zoning Appeals Meeting Schedule

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\*\*Note: All Meetings start @ 6:30PM\*\*

(City Hall, Council Chambers)

#### **Board of Zoning Appeals**

\*\*Note: All Meetings start @ 5:30PM\*\*

(City Hall, Council Chambers)

Regular Meeting- January 3, 2023	Regular Meeting – January 16, 2023 (Cancelled-Holiday)
Regular Meeting-February 7, 2023	Regular Meeting – February 20, 2023
Regular Meeting- March 7, 2023	Regular Meeting – March 20, 2023
Regular Meeting- April 4, 2023	Regular Meeting – April 17, 2023
Regular Meeting- May 2, 2023	Regular Meeting – May 15, 2023
Regular Meeting- June 6, 2023	Regular Meeting – June 19, 2023 (Cancelled-Holiday)
Regular Meeting– July 4, 2023 (Cancelled-Holiday)	Regular Meeting – July 17, 2023
Regular Meeting- August 1, 2023	Regular Meeting - August 21, 2023
Regular Meeting-September 5, 2023	Regular Meeting – September 18, 2023
Regular Meeting- October 3, 2023	Regular Meeting – October 16, 2023
Regular Meeting- November 7, 2023	Regular Meeting - November 20, 2023
Regular Meeting—December 5, 2023	Regular Meeting – December 18, 2023

Building & Zoning City of Lancaster

#### Agenda Item VII.A

#### City of Lancaster City Council Meeting December 13, 2022

TO:

City Council

SUBJECT:

Annexation Ordinance

INITIATED BY:

John Gay

PREPARED BY:

Building, Planning, Zoning, & Licensing Director

<u>Background:</u> Article I Chapter 28 of the City Code states in part that neither water nor sewer services shall be furnished or rendered in any area outside the city limits to an existing structure if the structure has been without water and sewer service for a period of 6 consecutive months unless the customer executes a utility service/annexation agreement. Furthermore, this agreement states that the City can call at any time for the owner to petition to annex into the City.

Utility service to the property at 1114 Skipper Avenue was discontinued on April 29, 2022. Mr. Gay has a new tenant for the property; hence he wishes to reestablish water and sewer service at this location. However, since this address has been disconnected for six months and eleven days Mr. Gay was required to submit a petition for annexation in order to have services reconnected.

1114 Skipper Avenue adjoins the city limits to the north.

Council unanimously approved the first reading of Ordinance O22-23 at the November 22, 2022 City Council meeting.

<u>Financial:</u> 1114 Skipper Avenue will not place any additional burden on the existing police and fire services, and residential trash. As a rental dwelling unit, this property will be assessed at the 6% rate. The parcel is currently appraised at \$19,800 which will generate approximately \$212 in property tax.

<u>Policy Considerations</u>: Section 28-1, 28-2, and 28-3 of the City Code. Furthermore, the proposed annexation would be in the best interest of the City as there will be no additional burdens placed on existing City residents.

Recommendations/Actions: Approve Ordinance O22-23.

Attachments: Ordinance O22-23, annexation petition, deed, plat, and location map.

#### **ORDINANCE 022-23**

# AN ORDINANCE ANNEXING INTO THE CITY OF LANCASTER, SOUTH CAROLINA ONE PARCEL OF LAND TOTALING 0.16 ACRES LOCATED AT 1114 SKIPPER AVENUE AND OWNED BY JOHN GAY

WHEREAS, the South Carolina Code of Laws of 1976, as amended, Title 5 Chapter 3 provides for the process for municipalities to annex property; and

WHEREAS, the City of Lancaster has enacted a Zoning Ordinance which governs the annexation and rezoning of annexed property; and

WHEREAS, a proper petition has been filed with the City of Lancaster by 100 percent of the freeholders owning 100 percent of the assessed value of the contiguous property hereinafter described petitioning for annexation of the property to the City of Lancaster under provisions of South Carolina Code Section 5-3-150(3); and

WHEREAS, it appears to Council that annexation would be in the best interest of the property owner and the City of Lancaster.

NOW, THEREFORE, BE IT ORDAINED, by Mayor and Council of the City of Lancaster, South Carolina, in Council assembled, that the property herein described below is hereby annexed to and becomes a party of the City of Lancaster.

ALL that certain piece, parcel, or lot of land with improvements thereon, consisting of a four room house, being all of Lot Number 12, in Block A, as shown and described on a map of Skipper Avenue Subdivision, Lancaster Plant Village, Lancaster, South Carolina, and duly recorded in the Office of the Clerk of Court for Lancaster County in Plat Book 8, at Page 212.

Derivation: Being the identical property conveyed to Bobie F. Ellis and Elizabeth A. Ellis by Deed recorded in the Office of the Clerk of Court for Lancaster County, South Carolina in Deed Book Z-5 at Page 2056.

Tax Map No.: 0081A-0N-017.00

The property shall have an interim zoning classification of R-6 pending rezoning pursuant to the Zoning Ordinance.

DONE IN MEETING ASSEMBLED on the 13th day of December 2022, and to become effective December 13, 2022.

	Yeas Nays
Requested by:	
John Gay	T. Alston DeVenny, Mayor
Approved as to Form:	
Mitch Norrell, City Attorney	Tracy Rabon, Municipal Clerk

First Reading: November 22, 2022 Second Reading: December 13, 2022



## City of Lancaster **Annexation Petition**

216 South Catawba Street PO Box 1149 Lancaster SC 29721-1149

Phone: 803-283-4253

INFORMATION					
Petitioner/Owner Name	Telephone 803 - 288	-5997			
Mailing Address / City ST ZIP 20 89 CIZ Frans Circle Lancish SC 278					
Additional Owner Name (if applicable)	Telephone				
Mailing Address / City ST ZIP					
Additional Owner Name (if applicable)	Telephone				
Mailing Address / City ST ZIP					
GENERAL LOCATION OF SUBJECT PROPE		÷			
1114 Stipped Lue Laneasta SC 29720	Tax Map # OGQ \ A - ON - C178 Acres (±) (C, \ C, \ C, \ Acres (±) Acres (±)	Requested Zoning Requested Zoning			
	Tax Map # Acres (±)	Requested Zoning			
	Tax Map #	Requested Zoning			
	Acres (±) Tax Map # Acres (±)	Requested Zoning			
Attach a metes and bounds legal description prepared by a surveyor registered	ed in South Carolina as Exhibit A	of this petition.			
PETITIONER'S STATEMENT AND A	ASSURANCES				
I, the undersigned, pursuant to Section 5-3-150(3) of the Code of Laws of be at least 18 years of age and owner of all the area described on Exhi whose name(s) appear on the county tax records as the owner(s) of said property described on Exhibit A attached hereto be annexed into the classified in the above indicated City Zoning District. I certify that I have Sections 28-2 and 31-24(e) of the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending the City of Lancaster Code of Ordinance contiguous properties and extension of City services pending the City of Lancaster Code of Ordinance contiguous properties and city of Ci	bit A attached hereto at the date real estate, do by this petition, r City of Lancaster, South Caroli re received a copy of, understan- tes regarding provision of utility	hereof, and equest that the na, and be d and agree to v services to			
PRINTED NAME(S) AND SIGNATURE(S) OF PETITIONER/PROPERTY OWNER(S) AND DATE					
John Gar Shu Fel		11/9/22			
	h .				
ACTION BY LANCASTER CITY	COUNCIL				
Petition Approved Denied	Action Date				
Signature of Authorized City Representative	Date Signed				

\$10.00

\$1.30 \$0.55

Tax Map: 0081A 0N 017 00

2014017070 RECORDING FEES STATE TAX COUNTY TAX PRESENTED & RECORDED: 12-23-2014 | 10:58 AM JOHN LANE REGISTER OF DEEDS LANCASTER COUNTY, SC BY: JOHN LAME REGISTER BK:DEED 840

TAX TITLE TO REAL I (NOT A WARRANTY

PG:7-9

#### TO ALL WHOM THESE PRESENTS MAY CONCERN:

TITLE NOT EXAMINED DEED PREPARED ONLY

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER

WHEREAS, upon the expiration of the time allowed for the payment of property taxes in any year, the county Treasurer is required pursuant to Section 12-45-180 of the Code of Laws of South Carolina, 1976 as amended, to issue his tax execution to the officer authorized to collect delinquent taxes, assessments, penalties, and costs, for collection as provided in Chapter 51, Title 12 in said Code of Laws, requiring such officer to levy the execution by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, or property transferred by the defaulting taxpayer, the value of which generated all or part of the tax, to satisfy the taxes, assessments, penalties, and costs; and

WHEREAS, as provided in Section 12-51-40 et seq. of said Code of Laws, the officer authorized to collect delinquent taxes, assessments, penalties and costs, is required to mail a notice of delinquent property taxes, penalties, assessments and costs to the defaulting taxpayer and to any grantee of record of the property, and if the taxes remain unpaid thirty days from the date of mailing of the delinquent notice, such officer shall take exclusive possession of the property necessary to satisfy the payment of the taxes, assessments, penalties, and costs, and after due advertisement, sell the same at public auction at the Courthouse or other convenient place within the county on a set sales day within the hours for public sales as prescribed by law, for cash, and give a title to the purchaser if the property is not redeemed after notice of a period for redemption of the property from sale mailed to the defaulting taxpayer and to others entitled to notice thereof; and

WHEREAS, the property which is subject of this conveyance was sold at public auction by Lancaster County to the highest bidder to satisfy the unpaid taxes of the defaulting taxpayer, all after giving the required notices and complying in all other respects with applicable law; and the time allowed for redemption has expired; and

WHEREAS, the following information is included herein as required by law:

NAME of Defaulting Taxpayer: Bobie F. and Elizabeth A. Ellis

NAME of any Grantee of record of the property: N/A (If applicable)

DATE of execution: March 18, 2013

RECORDED THIS 12th DAY OF JANUARY, 2015 **IN BOOK 2014 PAGE W-1** Charles Morgan

Auditor, Lancaster County, SC

DATE the subject property was posted and by whom: 8/26/13 by John Guilfoyle

**RECORDED THIS 20th DAY** OF JANUARY, 2015 **IN BOOK 2014 PAGE W-1** Cherylas Morgan

Auditor, Lancaster County, SC

Book 840 Page 7

DATES of mailing certified notice:

(1) May 10, 2013 Notice of delinquent property taxes, assessments, penalties and costs, which if not paid before a subsequent date the property will be duly advertised and sold:

Mailed to: Bobie F. and Elizabeth A. Ellis

Received: Unclaimed/Undelivered

(2) <u>September 26, 2014</u> Notice that the property was sold for taxes and if not redeemed by paying taxes, assessments, penalties and costs and interest at the applicable rate in an amount specified on or before twelve months from the date of sale, a tax title will be delivered to the successful purchaser at the tax sale

Mailed to: Bobie F. and Elizabeth A. Ellis

Received: <u>Unclaimed/Undelivered</u>

Mailed to: Citifinancial Inc.

Received: 9/29/14

WHEREAS, the undersigned acting for Lancaster County, did on the 4th day of November, 2013, sell the within described property to John Gay the actual purchaser and highest bidder at such sale for the sum of Five Hundred & no/100ths (\$500.00) Dollars being at least the amount of said taxes, penalties, costs and charges;

NOW, THEREFORE, I, Lee Weeks, Delinquent Tax Collector, in the State and County aforesaid, for and in consideration of the sum of Five Hundred & no/100ths (\$500.00) Dollars, to me in hand paid at and before the sealing of these presents by John Gay, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said John Gay, his/her heirs, successors and assigns, the subject property which is described and identified as follows:

"All that certain piece, parcel or lot of land with improvements thereon, consisting of a four room house, being all of Lot Number 12, in Block A, as shown and described on a map of Skipper Avenue Subdivision, Lancaster Plant Village, Lancaster, South Carolina, and duly recorded in the Office of the Clerk of Court for Lancaster County in Plat Book 8, at Page 212."

Being the identical property conveyed to Bobie F. Ellis and Elizabeth A. Ellis by Deed recorded in the Office of the Clerk of Court for Lancaster County, South Carolina in Deed Book Z-5, at Page 2056.

Grantee's Address: 1115 1st Street

Lancaster, S.C. 29720

Tax Map: 0081A-0N-017.00

000311 011 017100

Together with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises mentioned unto the said John Gay, his/her heirs, successors and assigns forever, according to the form, force and effect of the laws and usages of the State of South Carolina, in such cases made and provided.

WITNESS its Hand and Seal this 16th day of December, 2014.

WITNESSES:

COUNTY OF LANCASTER

Tee Weeks

Delinquent Tax Collector

Phylis Crenstan

STATE OF SOUTH CAROLINA )

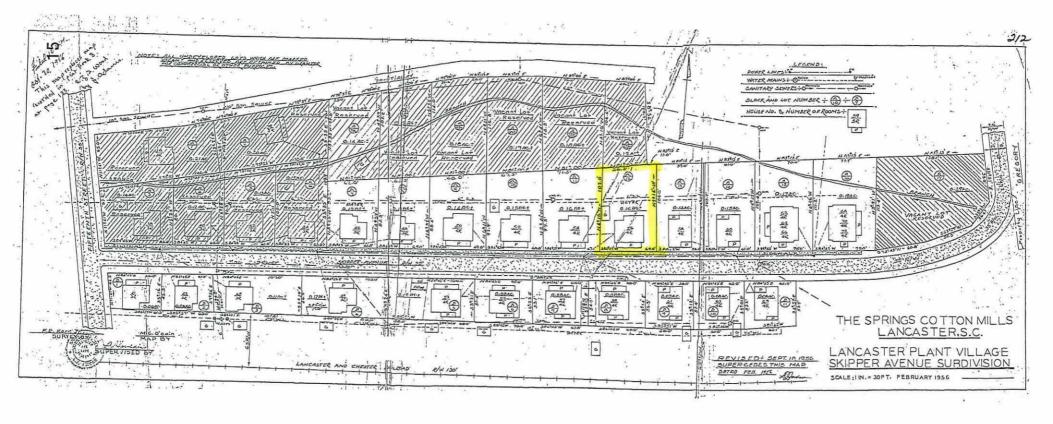
COUNTY OF LANCASTER

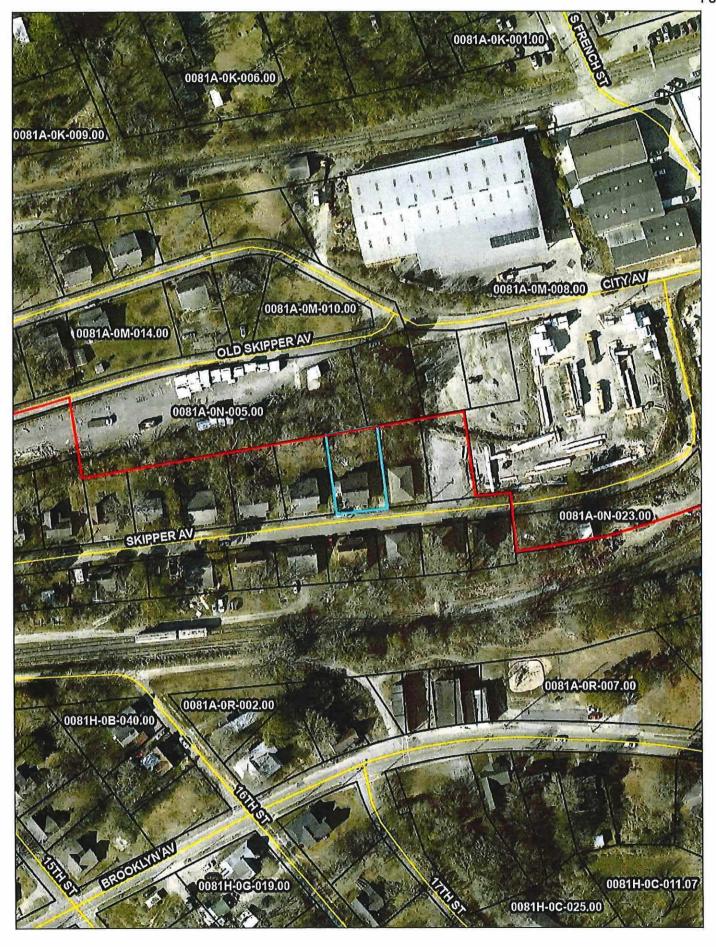
Personally appeared before me <u>Phyllis Crenshaw</u> and made oath that he/she saw the above named Delinquent Tax Collector for the County of Lancaster sign, seal and as his/her act and deed deliver the above Tax Title to Real Estate; and that he/she with <u>Virginia Burgess</u> witnessed the execution thereof.

Sworn to before me this 16th day of December, 20 14

Notary Public for South Carolina

My Commission Expires: 3/19/2023





#### Agenda Item VII.B

#### City of Lancaster City Council Meeting December 13, 2022

TO:

City Council

SUBJECT:

Annexation Ordinance

INITIATED BY: PREPARED BY:

Homes of Lancaster, LLC Building & Zoning Director

**Background:** Homes of Lancaster have submitted an annexation petition for a single parcel consisting of almost 72 acres that is located just north of the Arrowood subdivision on US Highway 521. The developer envisions the Red Rose Village on this tract of land, which is a mixed-use development consisting of commercial land use on the frontage of US Highway 521 with 62 townhomes behind the commercial sites on the westside of US Highway 521 followed by 176 single-family residential dwelling units in a cluster development. The developer is wishing to be annexed into the City in order to have the City's police and fire services along with the ability to construct a mixed-use development.

This parcel is contiguous to the City on the eastside of US Highway 521, which adjoins the recently annexed D.R. Horton properties.

<u>Financial</u>: Even though there will be a significant increase in the number of residential dwelling units when this development is fully built it is not expected to place a significant strain on police and fire services as these departments will grow along with the mixed-use development. Using data from similar developments in the County, staff has calculated that the potential appraised valuation for Red Rose Village is \$111,701,067, which is currently 24.7% of the City's total appraised valuation. Using this assumption once fully developed Red Rose Village will generate over \$882,000 in annual property tax.

<u>Policy Considerations</u>: Section 5-3-150(3) of the South Carolina Code of Laws. Furthermore, the proposed annexation would be in the best interest of the City as there will be no additional burdens placed on existing City residents.

Recommendations/Actions: Approve Ordinance O22-24.

<u>Attachments:</u> Ordinance O22-24, annexation petitions, deed, survey plat, conceptual site plan, and location map.

#### **ORDINANCE 022-24**

# AN ORDINANCE ANNEXING INTO THE CITY OF LANCASTER, SOUTH CAROLINA ONE PARCEL OF LAND TOTALING 71.956 ACRES LOCATED IN THE GENERAL VICINITY OF 2100 CHARLOTTE HIGHWAY AND OWNED BY HOMES OF LANCASTER, LLC

WHEREAS, the South Carolina Code of Laws of 1976, as amended, Title 5 Chapter 3 provides for the process for municipalities to annex property; and

WHEREAS, the City of Lancaster has enacted a Zoning Ordinance which governs the annexation and rezoning of annexed property; and

WHEREAS, a proper petition has been filed with the City of Lancaster by 100 percent of the freeholders owning 100 percent of the assessed value of the contiguous property hereinafter described petitioning for annexation of the property to the City of Lancaster under provisions of South Carolina Code Section 5-3-150(3); and

WHEREAS, it appears to Council that annexation would be in the best interest of the property owner and the City of Lancaster.

**NOW, THEREFORE, BE IT ORDAINED,** by Mayor and Council of the City of Lancaster, South Carolina, in Council assembled, that the property herein described below is hereby annexed to and becomes a party of the City of Lancaster.

ALL that certain piece, parcel, or lot of land with any and all improvements thereon lying, being and situate in Lancaster County, South Carolina, being shown and described as Tract 1 containing 62.346 acres more or less and Tract 2 containing 9.610 more or less as shown on boundary survey prepared for Homes of Lancaster by J.C. Crumpler dated August 03, 2022 and recorded October 6, 2022 in Book 2022 at Page 452 in the Office of the Register of Deeds.

Further being more accurate metes and bounds description of Tract 1: Beginning at an old nail in the center line intersection of West Shiloh Unity Road (S29-29) having a right of way of 66 feet in width and Havenwood Ave. (S29-398) having a right of way of 50 feet in width, thence running with the center line of West Shiloh Unity Road the following bearings and distances: North 66 degrees 16 minutes 16 seconds East for 357.66 feet, North 64 degrees 24 minutes 36 seconds East for 99.99 feet, North 57 degrees 06 minutes 52 seconds East for 92.69 feet, North 54 degrees 51 minutes 16 seconds East for 100.00 feet, North 54 degrees 03 minutes 12 seconds East for 387.37 feet to a PK Nail set, thence running South 79 degrees 11 minutes 58 seconds East for 45.09 feet to a #5 rebar set on the right of way of West Shiloh Unity Road, Thence running South 79 degrees 11 minutes 58 seconds East for 334.89 feet to an old tall ½" iron pipe, thence running South 76 degrees 36 minutes 01 seconds East for 226.68 feet to an old ½" iron pipe, thence running South 76 degrees 36 minutes 01 seconds East for

176.72 feet to a #5 rebar set, Thence running South 77 degrees 46 minutes 22 seconds East for 176.78 feet to an old 3/4" iron pipe, thence running South 79 degrees 00 minutes 56 East for 404.39 feet to an old ½' iron pipe, thence running South 73 degrees 46 minutes 56 seconds East for 617.42 feet to an old #4 rebar, thence running North 61 degrees 14 minutes 00 seconds East for 1289.86 feet to a #5 rebar set on the right of way of Charlotte Hwy (US Hwy 521) having a right of way of 140.00 feet in width, thence running with said right of way, South 06 degrees 55 minutes 39 seconds East for 271.22 feet to a point, thence running with a curve to the left having a bearing of South 14 degrees 46 minutes 29 seconds East, a chord distance of 796.07 feet. A length of 798,56 feet and a radius of 2915.39 feet to an old concrete right of way monument, thence running South 22 degrees 38 minutes 57 seconds East for 191.78 feet to an old 1/2" iron pipe, thence running South 73 degrees 56 minutes 58 seconds West for 384.98 feet to an old 1" iron pipe in stone pile, thence running North 80 degrees 41 minutes 50 seconds West for 366.74 feet to an old 1/2" iron pipe. thence running North 80 degrees 35 minutes 05 seconds West for 1133.61 feet to an old 1" iron pipe, thence running North 82 degrees 28 minutes 09 seconds West for 713.97 feet to an old ½" iron pipe bent, thence running North 80 degrees 17 minutes 21 seconds West for 622.95 feet to an old 1/2" iron pipe in stone pile, thence running North 84 degrees 04 minutes 28 seconds West for 1143.78 feet to and old ½" iron pipe on the right of way of West Shiloh Unity Road and Havenwood Ave., thence running North 83 degrees 54 minutes 50 seconds West for 66.52 feet to an old nail in the center line of West Shiloh Unity Road, thence running North 66 degrees 16 minutes 11 seconds East for 32.28 feet to an old nail that is also the point of beginning.

Furthermore being more accurate metes and bounds description of Tract 2: Beginning at #5 rebar set on the right of way of Charlotte Hwy. (US Hwy 521) having a right of way of 140.00 feet in width and is located South 06 degrees 55 minutes 39 seconds East for 26.95 feet from a concrete right of way monument, thence running North 61 degrees 14 minutes 00 seconds East for 8.57 feet to an old tall 1" iron pipe, thence running South 37 degrees 47 minutes 48 seconds East for 1330.88 feet to an old tall 1" iron pipe bent, thence running South 71 degrees 07 minutes 41 seconds West for 550.09 feet to an old #6 rebar on the right of way of Charlotte Hwy., thence running with right of way of Charlotte Hwy. North 22 degrees 37 minutes 18 seconds West for 181.72 feet to a concrete right of way monument, thence running with a curve to the right having a bearing of North 14 degrees 46 minutes 29 seconds West, a chord distance of 757.84 feet a length of 760.21 feet and a radius of 2775.39 feet to a #5 rebar set, thence running North 06 degrees 55 minutes 39 seconds West for 327.32 feet to a #5 rebar set that is also the point of beginning.

Derivation: Being the property conveyed to Adams Lancaster, LLC by Deed recorded Marc 03, 2016 in Deed Book 949 Page 254 in the Register of Deeds Office for Lancaster County, SC.

Tax Map No.: 0049-00-147.00

The property shall have an interim zoning classification of R-15 pending rezoning pursuant to the Zoning Ordinance.

**DONE IN MEETING ASSEMBLED** on the 13<sup>th</sup> day of December 2022, and to become effective December 13, 2022.

	Yeas Nays
Requested by:	
Homes of Lancaster, LLC	T. Alston DeVenny, Mayor
Approved as to Form:	1. Mistor 150 v chiriy, ividy of
Mitch Norrell, City Attorney	Tracy Rabon, Municipal Clerk
	First Reading: December 13, 2022 Second Reading:



### City of Lancaster **Annexation Petition**

216 South Catawba Street PO Box 1149 Lancaster SC 29721-1149

Phone: 803-283-4253

INFORMATION					
Petitioner/Owner Name Homes of Lancaster LLC	Telephone 803-57	77-5016			
Mailing Address / City ST ZIP PO BOX 1146 Lancaster SC 29721					
Additional Owner Name (if applicable)	Telephone				
Mailing Address / City ST ZIP					
Additional Owner Name (if applicable)	Telephone				
Mailing Address / City ST ZIP	125				
GENERAL LOCATION OF SUBJECT PROPE	RTY OR PROPERT	TIES			
CHARLOTTE HWY 78.54 ACRES	Tax Map # 0049-0	0-147.00 Requested Zoning			
а	Tax Map # Acres (±)	Requested Zoning			
	Tax Map # Acres (±)	Requested Zoning			
	Tax Map # Acres (±)	Requested Zoning			
~	Tax Map # Acres (±)	Requested Zoning			
Attach a metes and bounds legal description prepared by a surveyor registered	ed in South Carolina as	Exhibit A of this petition.			
PETITIONER'S STATEMENT AND A	ASSURANCES				
I, the undersigned, pursuant to Section 5-3-150(3) of the Code of Laws be at least 18 years of age and owner of all the area described on Exhi whose name(s) appear on the county tax records as the owner(s) of said property described on Exhibit A attached hereto be annexed into the classified in the above indicated City Zoning District. I certify that I have Sections 28-2 and 31-24(e) of the City of Lancaster Code of Ordinand contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinand Contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinand Contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinand Contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinand Contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinand Contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinand Contiguous properties and extension of City services pending final according to the City of Lancaster Code of Ordinand Code (City Cod	bit A attached hereto real estate, do by this City of Lancaster, So we received a copy of ces regarding provision	at the date hereof, and spetition, request that the outh Carolina, and be c, understand and agree to on of utility services to			
PRINTED NAME(S) AND SIGNATURE(S) OF PETITIONER/PROPERTY OWNER(S) AND DATE					
Howard Strickland (Partner)  Michael G. Williams (Partners)  Homes of Lancaster  Lancaster	Heller -	12-1-27			
ACTION BY LANCASTER CITY	COUNCIL				
Petition Approved Denied	Act	ion Date			
Signature of Authorized City Representative	Date	e Signed			

LANCASTER COUNTY ASSESSOR

Tax Map: 0049 00 147 00

RECORDED THIS 10th DAY OF OCTOBER, 2022 IN BOOK 00 PAGE 00

Auditor, Lancaster County, SC

PREPARED BY TRIMNAL & MYERS, LLC

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

2022016009 DEED RECORDING FEES STATE TAX COUNTY TAX	\$15.00 \$6922.50 \$2928.75
PRESENTED & RECORDED: 10-06-2022 11:35 BRITTANY GRANT REGISTER OF DEEDS LANGASTER COUNTY, SC BY: STEPHANIE KNIGHT	9:43 AM
BK: DEED 159 PG: 290 - 291	5

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT Adams Lancaster, LLC a South Carolina Limited Liability Company (hereinafter called "Grantors") in the State aforesaid, for and in consideration of the sum of Two Million Six Hundred Sixty Two Thousand Five Hundred AND 00/100 (2,662,500.00) Dollars, to him paid by Homes of Lancaster LLC, a South Carolina Limited Liability Company (hereinafter called "Grantee/s") in the State aforesaid (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these Presents (do(es) grant, bargain, sell and release, unto the said:

Homes of Lancaster LLC, a South Carolina Limited Liability Company his/their Heirs and/or Assigns Forever:

All that piece, parcel or tract of land with any and all improvements located thereon lying, being and situate in Lancaster County, South Carolina, being shown and described as Tract 1 containing 62.346 acres more or less and Tract 2 containing 9.160 more or less as shown on boundary survey prepared for Homes of Lancaster by J.C Crumpler dated August 03, 2022 and recorded Och. 1, 2022 in Book at Page 452 in the Office of the Register of Deeds for Lancaster County, South Carolina. Plat is craved for a more accurate description as to metes and bounds.

Being the property conveyed to Adams Lancaster, LLC by Deed recorded March 03, 2016 in Deed Book 949 Page 254 in the Register of Deeds Office for Lancaster, SC.

TMS# 0049-00-147.00

Grantee's Address: PO Box 1691, LANGATER 50 2972

This conveyance is made subject to all existing easements, restrictions, rights of way and/or encroachments.

TOGETHER will all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said **GRANTEE/S**, Their Heirs and/or Assigns forever.

AND the said GRANTOR/S do hereby bind themselves and their heirs and/or assigns to warrant and forever defend all and singular the said premises unto the said GRANTEE/S, Their Heirs and/or Assigns, against Themselves and Their Heirs and/or Assigns and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS our Hand(s) and Seal(s) this 6 day of October in the year of our Lord 2022.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness #1

ITS: Carolina Limitation By: State of the Carolina By: State of the C

Adams Lancaster, LLC a South Carolina Limited Liability Company

ITS: Manajor/porture

STATE OF SOUTH CAROLINA )

COUNTY OF LANCASTER )

ACKNOWLEDGEMENT

I, Brian / Notary Public for the State of SC,

do hereby certify that GRANTOR/S personally appeared before me this day and acknowledged the due execution of the foregoing deed.

Sworn before me this day of October, 2022

Notary Public for the State of SC

My Commission Expires:

1) = 1) = 1

BRIAN O. TRIMNAL Notary Public-State of South Carolina My Commission Expires September 25, 2030

